

FIRST NATIONS PEOPLES' RIGHTS WORKING GROUP



Responsible Investment
Association Australasia

Post-meeting papers

First Nations Peoples' Rights Working Group meeting #2_25

1 May 2025 | 12-1:30pm AEST / 2-3:30pm NZST

Contents

Meeting's minutes
FNPRWG Action Register
Attendees (29)
Meeting Slide Deck

Minutes

Item	Action required
1. Welcome - Co-Chair – Will Leak <ul style="list-style-type: none">○ Opening○ Acknowledgement of Country○ Minutes from last meeting○ Principles of Participation	Submit any amendments to the Minutes to Shelina Fernando (RIAA's Working Groups Officer)
2. Special presentation and Q&A – First-Nations Clean Energy Network update (35 min) <p>An update from the First Nations Clean Energy Network including on the First Nations Clean Energy Strategy - Chris Croker, Steering Committee Member and Jonathan Kneebone, Head of Policy and Engagement (First Nations Clean Energy Network)</p> <p>Purpose of the First Nations Clean Energy Network:</p> <ul style="list-style-type: none">• The First Nations Clean Energy Network was established to ensure First Nations peoples are front and centre in Australia's energy transition, with a focus on clean energy, economic independence, and self-determination.• The energy transition requires extensive access to land, water, critical minerals, and transmission infrastructure – all of which intersect with indigenous rights and country.• While rapid action on clean energy is urgent, the network stresses that this must not override the rights or participation of Indigenous communities. <p>Reason for the launch of the Network:</p> <ul style="list-style-type: none">• A collective effort by advocates and community leaders who recognised a gap: First Nations people were not adequately represented in the planning or benefits of energy projects. In US and Canada, Indigenous ownership and participation	<p>To access the meeting papers, go on the RIAA website and select;</p> <ol style="list-style-type: none">1. "Membership" (top bar),2. "Working Groups" (bottom of drop-down menu),3. "First Nations Peoples' Rights Working Group"4. "FNPRWG 2025 Meeting #2 - First Nations Clean Energy Network update" (Scroll down to 'Past meeting papers and presentations') <p>If you require any assistance, please contact Shelina Fernando (RIAA's Working Groups Officer)</p>

occurred in utility-scale energy projects and in South Africa, black economic participation in renewable energy tenders was encouraged so the Network aimed to draw inspiration from these global initiatives.

- The goal is to support communities from micro-scale solar installations that alleviate household energy poverty, to Gigawatt-scale projects that First Nations co-design, co-own and benefit from.

Network membership and governance:

- Governed by a steering group made up of members from across Australia, including strong representation from the Torres Strait Islands. It actively listens, consults and supports its broader membership.
- Represents a constituency of 1200-1400 individuals, corporations, and influential First Nations entities, from grassroots organisations to major land councils.

Pillars:

Community:

- **PowerMakers Program:**
Now in its third year, PowerMakers program delivers practical training on energy development and First Nations rights. The 2023 cohort was from Queensland who addressed cases where large-scale renewable projects were being developed without proper community engagement. The 2024 cohort were the Whadjuk people from Fremantle, WA who focused on regulatory literacy, technology comprehension and negotiation skills for clean energy products.
- **Community Energy Planning toolkit:**
Offers step-by-step guidance for First Nations communities to plan energy projects aligned with their priorities. The toolkit was developed in response to members asking why they are not benefitting from these energy projects. This can be accessed through the Network's website [here](#).
- **First Nations Project tracker:**
This is an ongoing database of clean energy projects with significant Indigenous ownership or partnership. It tracks projects across Australia from community-led solar in Northern Territory to large-scale wind farms in Western Australia and Queensland. The current projects pipeline includes 10-20 early-stage projects; some utility-scale efforts exceeding 1 GW capacity.

Industry:

- The Network developed a Clean Energy Negotiations Guide to help First Nations organisations understand legal agreements, project financing and stakeholder engagement.
- They also authored the 10 best practice principles for Indigenous involvement in renewable projects. The principles covered free, prior, and informed consent, equity participation, revenue sharing, and community benefit. These principles have been endorsed by the Clean Energy Council; now commonly referenced in project development. This is a collaboration with industry to integrate principles into development protocol and soft regulation tools.

Policy:

- Policy and advocacy is instrumental in shaping the First Nations Clean Energy Strategy which was approved by the Department of Climate Change, Energy, Environment and Water in 2024, followed by \$70 million in funding.

<ul style="list-style-type: none"> • The Strategy outlines 24 clear actions to embed First nations leadership in energy transition and work is underway to ensure implementation. • In Ontario, Canada, renewable energy tenders required 25% First Nations equity participation while in British Columbia, Canada, new framework is under consultation to mandate Indigenous equity in clean energy tender and in South Africa, since 2012, there was a minimum requirement of Black ownership for renewable energy project bids. • The Network will continue to work with the National Native Title Council on community benefit principles aligned with the 'future Made Australia' framework. • Investors and developers should assess their capacity for genuine First Nations participation in energy projects and the promotion of demonstration projects, Indigenous co-ownership, and real-time problems solving should happen. <p>Summary of discussion points:</p> <ul style="list-style-type: none"> • While the Network is regularly approached by industry players, seeking introductions to Indigenous groups, it guides stakeholders to appropriate contacts or support pathways where relevant, ensuring all engagement remains community-led and values-driven. • A recent member gathering in Adelaide highlighted the importance of energy security, reliability and affordability in First Nations communities. Solutions discussed included localise infrastructure such as community batteries, and strategies for improving energy service delivery and ensuring tangible benefits from renewable projects. • The Network is also exploring solutions to help First Nations groups leverage existing land and asset ownership into equity stakes in large-scale clean energy developments, addressing challenges at both the grassroots and utility scale levels. Through its project tracking database, the Network is mapping existing and emerging First Nations energy projects, helping to identify where interest lies and where support is most needed to bring projects to life. 	
<p>3. Industry and Working Group updates (30 min)</p> <ul style="list-style-type: none"> • First Nations Heritage Protection Alliance (Anirudha Nagar, NNTC) <p>1. Future Acts Regime:</p> <ul style="list-style-type: none"> ○ Part of the Native Title Act 1993, outlining the procedural rights native title holders and registered claimants have when governments or companies seek to undertake activities on native title land. ○ These procedural rights vary based on the type of act, include the 'right to comment', 'right to be consulted', and the strongest form, the 'right to negotiate', which may allow native title holders to veto certain proposals. However, the system has been widely criticised for prioritising development and investment over meaningful protection of native title rights. In practice, it is rare for native title holders to be able to stop a project. ○ The process is resource-intensive and complex, placing significant strain on Prescribed Bodies Corporate (PBCs), many of which are under-resourced and based in remote areas. Often, native title holders have no meaningful power to prevent projects, with some describing the 'right to comment' as equivalent to a mailbox submission that may never be acknowledged. ○ There is no legal obligation for government decision-makers to incorporate or act upon the comments made by native title holders under this system. 	<p>To refer to the slides shared by Anirudha Nagar during this presentation, please see the slides attached with the post meeting papers on the member portal.</p>

- In 2022, the Australian Parliament's Joint Standing Committee on Northern Australia recommended a review of the [Future Acts regime](#). This led to a law reform process led by the Australian Law Reform Commission.
- An issues paper was released in 2024, and submissions were made by the Network and others highlighting systemic flaws and calling for legislative reform.
- A discussion paper is expected in May 2025, with a seven-week consultation window, and submissions due by 10 July 2025. The final report will be submitted to the Attorney-General.
- A major theme in submissions is the need for Free, Prior and Informed Consent (FPIC) to be respected and legally embedded in native title processes. Legislative recognition of FPIC is seen as the most effective way to honour First Nations rights and avoid repeating historical injustices.

2. Native Title Compensation

- In March 2025, the High Court of Australia handed down a significant decision involving native title compensation for actions taken by the Commonwealth Government in the Northern Territory between 1911 and 1978, a time before the Mabo period.
- The case centred on whether traditional owners were entitled to compensation for mining and other activities authorised by the Commonwealth during its administration of the Northern Territory, which occurred without the consent of native title holders.
 - The High Court found that:
 1. Native title constitutes a form of property under the Constitution, and therefore, if extinguished by the Commonwealth, compensation is payable under Section 51 ("just terms")
 2. The "just terms" requirement applies to actions taken by the Commonwealth even when acting in its capacity as a territory administrator.
 3. A past release of land issued by the Governor of South Australia did not negate compensation rights and was rejected by the Court.

While the decision applied only to actions by the Commonwealth, not by State governments, it is expected to influence future cases and compensation mechanisms, particularly with several related High Court cases pending (e.g. the Indjilandji-Dhidhanu case concerning the mining activities by McArthur River Mining in the NT).

This case is expected to return to the Federal Court, where constitutional and evidentiary issues will continue to be examined.

3. Implications and further actions on compensation and consent

- The case has broader implications for how compensation is handled and how First Nations rights are respected in project planning.
- The NNTC and others are advocating for the Commonwealth to create an alternative compensation framework outside the court system-reducing costs, complexity, and delays for native title holders seeking restitution.
- The current system requires communities to spend millions in legal fees to access compensation, highlighting the need for a simpler, fairer process.

<ul style="list-style-type: none"> ○ The case also underscores the longstanding failure to secure proper consent from Traditional Owners for projects, particularly those launched in the 1950s – 1970s under economic development rationales that overlook cultural heritage and land rights. ○ Investors should not rely solely on corporate disclosures. Instead, they should “look under the hood” to assess whether consent was genuinely obtained, whether Traditional Owners fully understood the proposals, and whether the process aligned with FPIC standards. ○ The impact of poor consent processes extends beyond legal inability to include delays, reputational risks, and potential project disruption, with some delayed projects already costing hundreds of millions of dollars. <ul style="list-style-type: none"> ● Policy and Advocacy updates (Nayanisha Samarakoon, RIAA) <ul style="list-style-type: none"> ○ RIAA’s policy platform Australia 2025 can be accessed on their website now which outline specific national priorities which is independent of any single political party and is intended to guide the priorities of whichever government takes office next. ○ RIAA advocates for stronger frameworks and initiatives that support long-term financial sustainability, aligned with climate and social objectives. ○ RIAA also has a collaborative partnership with the First Nations Clean Energy Network, which has served as a key contact in shaping First Nations-related policy. This collaboration is especially focused on the development of the First Nations Clean Energy Strategy, which supports a vision of sustainable energy future that is ‘Made in Australia’. ○ Feedback from partners such as Dhawura Ngilan on ensuring First Nations communities are leaders in the decision-making stages has reinforced the need for policy to go beyond providing resources; it must also uphold Indigenous leadership and self-determined approaches. ○ RIAA is balancing its efforts between influencing current policy and preparing to respond to the priorities of the next government. ● Dhawura Ngilan Business and Investor Initiative (Jess Rowe, RIAA) <ul style="list-style-type: none"> ○ Work is ongoing across the three key pillars: Piloting, Awareness and Education. ○ Updates on the Education pillar are expected soon, particularly regarding initiatives aimed at increasing industry engagement and uptake of the guiding documents. ○ The Piloting stream is progressing, and further updates on specific activities and outcomes are anticipated. ○ Efforts to integrate the Dhawura Ngilan initiatives with existing industry and business are under way. This integration will be a feature of an upcoming special presentation of a working group meeting, which will explore how existing standards can be assessed through the lens of Dhawura Ngilan - emphasising the initiatives should inform the standards, not the other way around. Supporting materials, such as imagery or a table mapping this alignment, will be released shortly to aid understanding and communication. 	<p>To access RIAA’s Policy Platform Australia 2025, go on the RIAA website and select;</p> <ol style="list-style-type: none"> 1. “Policy & Advocacy” (top bar), 2. “AU Policy Platform” (top of drop-down menu)
<p>4. Workstream and Subgroup updates (13 min)</p> <ul style="list-style-type: none"> ● Future Directors Concept subgroup update (Nikitha Kariyawasam, Regnan) <p>Nikitha Kariyawasam sent his apologies.</p>	<p>Any feedback on the workplan can be provided to Jess Rowe, (RIAA Manager of Working Groups).</p>

Thursday 31 July 12pm-1:30pm AEST / 2pm-3:30pm NZST – Register [here](#)

First Nations Peoples' Rights Working Group's Action Register

Last Updated: Thursday, 1 May 2025

Ref	Action	Delegation	Status
New			
8/25	Next Meeting - Thursday 31 July 12pm-1:30pm AEST / 2pm-3:30pm NZST – Register here .	All	Ongoing
7/25	To register for RIAA Australia Conference 2025, visit RIAA's website .	All	Ongoing
6/25	To access RIAA's Policy Platform Australia 2025, visit RIAA's website .	All	Ongoing
5/25	Submit any amendments to the Minutes of the second First Nations Peoples' Right Working Group meeting to Shelina Fernando, RIAA Working Groups Officer .	All	Ongoing
Previous			
4/25	Next Meeting - Thursday 1 May 12-1.30pm AEST / 2-3.30pm NZST – Register here	All	Closed
3/25	To volunteer for a subgroup, please fill in this volunteering form	All	Ongoing
2/25	Any feedback on the workplan can be provided to Jess Rowe, Manager of Working Groups .	All	Ongoing
1/25	Submit any amendments to the Minutes to Shelina Fernando, RIAA Working Groups Officer .	All	Closed

Attendees (29)

	First Name	Last Name	Company
1	Caitlin	Leslie	15XB Pty Ltd.
2	Emily	Dafter	Australian Retirement Trust
3	Kendall	Fraser	AustralianSuper
4	Jessie	pettigrew	Equip Super
5	Jonathan	Kneebone	First Nations Clean Energy Network
6	Chris	Croker	First Nations Clean Energy Network
7	Michael	Joyce	HESTA
8	Anupama	Nair	Materra Consulting
9	Will	Leak	Mercer
10	Adam	Fletcher	NAB
11	Jordan	Grace	NAB
12	Anu	Nagar	National Native Title Council
13	David	Whittaker	Northcape Capital
14	Kokila	Uma	Northcape Capital
15	Holly	Marshall	Northern Trust
16	Amanda	Young	Pollination
17	Ariadne	Gorring	Pollination Foundation
18	Abi	Curtis	PRI



19	Jason	Rackley	Qualitas
20	Nikitha	Kariyawasam	Regnan
21	Briony	Doyle Galovic	RIAA
22	Shelina	Fernando	RIAA
23	Jess	Rowe	RIAA
24	Nayanisha	Samarakoon	RIAA
25	Estelle	Parker	RIAA
26	Ciarán	Noble	RIAA
27	Phil	Vernon	RIAA's FNPRWG
28	Lisa	Domagala	Solaris Investment Management Limited
29	Rachel	Alembakis	Uethical

First Nations Peoples' Rights Working Group Meeting #2

Thursday 1 May



Responsible Investment
Association Australasia

First Nations Peoples' Rights Working Group Meeting #2



Will Leak,

Senior Sustainable Investment Analyst at Mercer



Phil Vernon,

Director (various)

A circular inset image showing a large audience seated in a conference hall, with a stage and trees visible in the background.

**RIAA
Conference
Australia
2025**



RIAA
Responsible
Investment
Association
Australasia

Principles of participation

- Confidentiality
- No self-promotion
- Declaration of conflicts of interest
- Representation
- Collaboration between members
- Positive change in practice/policy
- Not to engage in or discuss competitively sensitive information
- Apolitical

Special presentation



Chris Croker,

Steering Committee Member, First Nations Clean Energy Network



Jonathan Kneebone,

Director of Policy and Engagement, First Nations Clean Energy Network



WHY THE NETWORK WAS LAUNCHED: CLEAN ENERGY & SELF-DETERMINATION: RISKS AND OPPORTUNITIES

- To transition to clean energy we'll require **access to large areas of land and waters, including for new transmission infrastructure and access to critical minerals and other resources**. First Nations have been far from front and centre of the clean energy and associated economic transition.
- And while we agree there is absolutely an urgency to scale up clean energy - we need to ensure the transition is done the right way, with pace and with justice. **This is a moment to reform policies, laws and processes to ensure First Nations participate in and benefit** from the transition.
- Clean energy represents a radically different opportunity for ownership of energy resources and for First Nations-led proposals. **There is great potential for for large-scale projects to be done differently**.
- **Internationally, we're seeing First Nations become significant asset owners of clean energy infrastructure** backed by substantial government funding.
- The Network is led by a [Steering Group](#) of First Nations leaders.



FIRST NATIONS CLEAN ENERGY NETWORK - PILLARS

Community: Focus on removing barriers to our people having access to secure, cheaper, cleaner energy. Develop guides for Traditional Owners and community organisations to be equipped and ready to engage and benefit. Build capacity and advocate for opportunities for our people to be at the table, influencing and shaping the energy transformation.

Industry partnerships: Best practice principles for companies to implement and investors to require, that ensure First Nations engagement and consent in development, design and implementation – including benefit sharing – of any clean energy projects.

Policy reform: Policy reform and changes to the way renewables are delivered to First Nations households. Demonstrate projects to highlight State, Territory and Federal policy barriers and work to overcome them. Governments at all levels to invest in these reforms and lift the barriers.



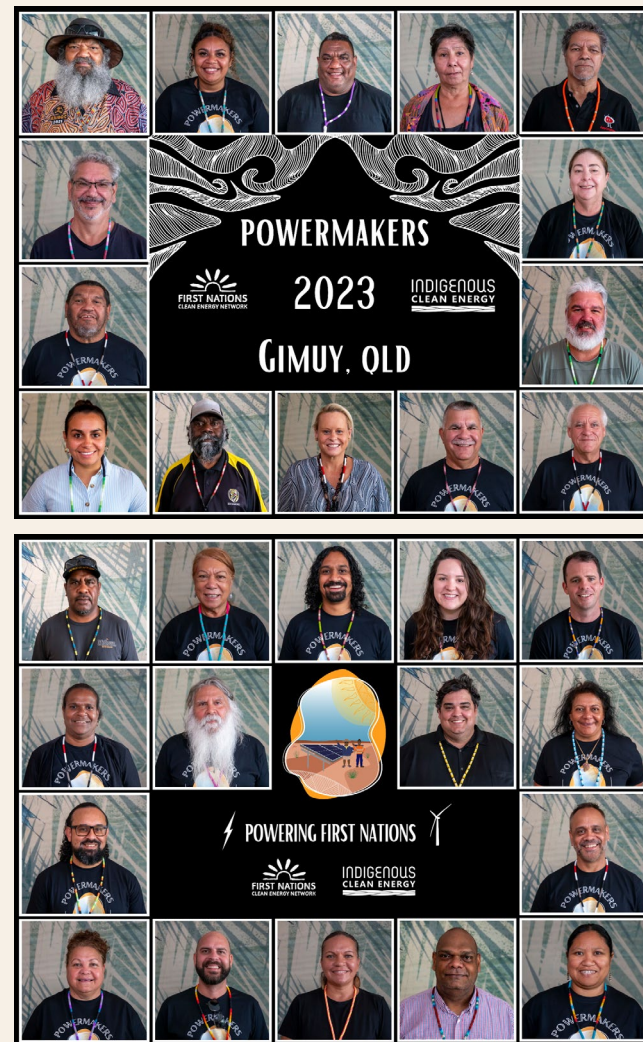
COMMUNITY





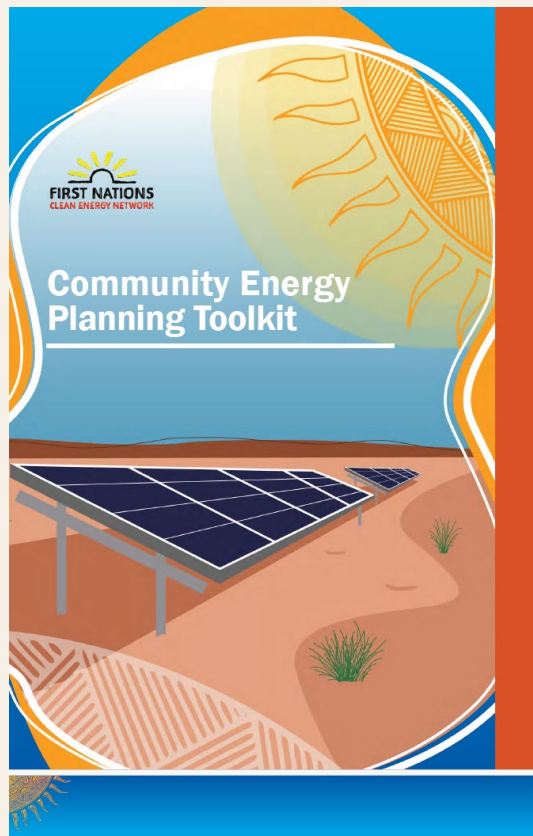
Our First Nations PowerMakers program is an intensive clean energy capacity-building initiative.

PowerMakers is a transformative program designed to empower First Nations people to drive First Nations participation in, and ownership of, clean energy solutions in their communities and on Country.



COMMUNITY ENERGY PLANNING TOOLKIT

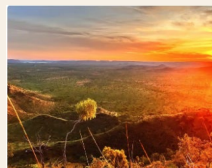
- The [Community Energy Planning Toolkit](#) (the accompanying webinar can be viewed on our Members' portal) Toolkit has been developed to assist communities to have discussions about clean energy futures.
- It intended to support First Nations communities explore the possibilities that clean energy could provide, and to start planning to create and develop their own clean energy projects.



Our [First Nations project tracker](#) demonstrates the transformative potential of a First Nations-led clean energy transition.



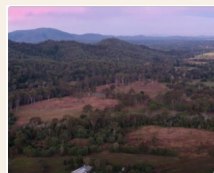
Wilan Wind Farm



East Kimberley Clean Energy Project



Yindjibarndi Energy



Djandori gung-i



Tjiwarl Katu Power



Yoorndoo Ilga Solar



Thargomindah Station Regeneration Project



Ngardara 'Sun' Project



Western Green Energy Hub



Goulburn Murray Woka Yurringa Project



Desert Springs Octopus



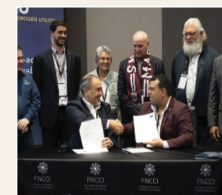
Marlinja Community Solar



Junja Solar Farm



Larrakia Energy



H2-Hub™ Gladstone



First Nations Energy Projects

We're tracking First Nations involvement, ownership and equity in clean energy projects through negotiated participation agreements. Our First Nations [project tracker](#)* demonstrates the transformative potential of a First Nations-led clean energy transition.

Do you know a project that can be added to this page? [Please let us know](#)

[SHARE](#)

Find a project near you

SEARCH

Where's it up to?

All

Type of project

All

Showing 17 projects in this area



80MW Solar Farm

[VIEW PROJECT](#)



Wilan Wind Farm

[VIEW PROJECT](#)



Wujal Wujal Microgrid

[VIEW PROJECT](#)



[DOWNLOAD CSV](#)

[ADD A PROJECT](#)

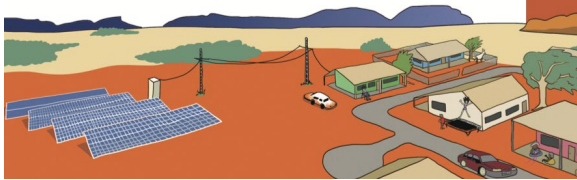
INDUSTRY



ENGAGING INDUSTRY TO DO BETTER



Aboriginal and Torres Strait Islander Best Practice Principles for Clean Energy Projects



Clean Energy Negotiations Guide for First Nations



The Principles

1. Engage respectfully
2. Prioritise clear, accessible and accurate information
3. Ensure cultural heritage is preserved and protected
4. Protect country and environment
5. Be a good neighbour
6. Ensure economic benefits are shared
7. Provide social benefits for community
8. Embed land stewardship
9. Ensure cultural competency
10. Implement, monitor and report back

ENGAGING INDUSTRY TO DO BETTER

- The Best Practice Principles for Clean Energy Projects were designed for the clean energy industry and government, and to reset relationships.
- The Clean Energy Council has worked with the Network to transform the Best Practice Principles into a [handbook](#) for the clean energy industry to follow.
- We'll shortly launch a Toolkit for Proponents and also have been working with the CEC to develop an online training resource for industry based on the Best Practice Principles.



Leading Practice Principles: First Nations and Renewable Energy Projects



POLICY



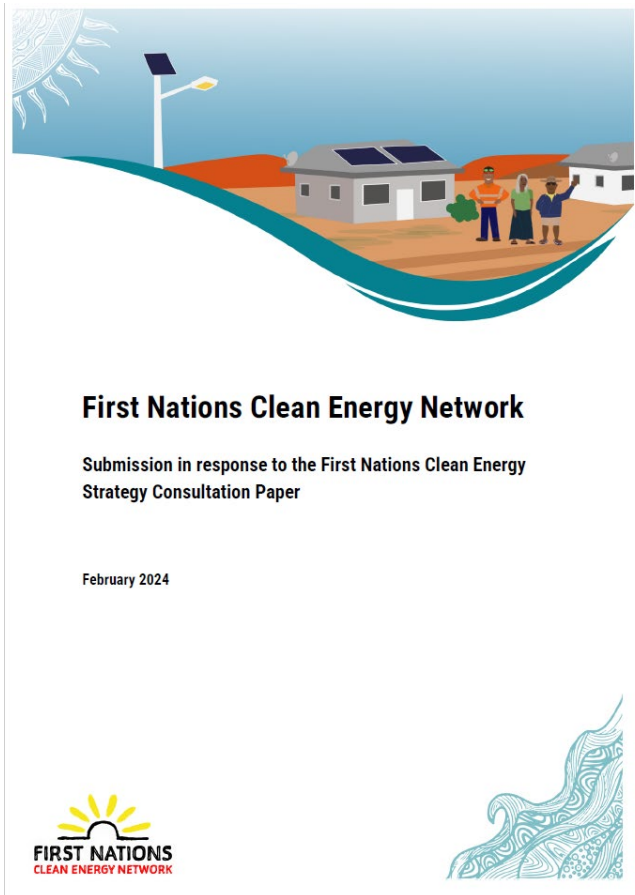
CHANGING POLICY AND SYSTEMS

- The **energy system impacts everyone**: households, families, businesses, communities and of course, economies.
- How the energy system is planned, owned, financed, operated and regulated matters. Who it is designed for matters.
- The national and global **transition to clean energy has great potential to deliver social, economic and cultural justice for First Nations communities**. And of course there are many potential risks too.
- Economic, policy, program, financing and legislative systems all need comprehensive change.
- New industrial policy is being developed to incentivise particular economic activities associated with the transition and to attract global investment (including for hydrogen, critical minerals, green metals, supply chain manufacturing, etc.)



FIRST NATIONS CLEAN ENERGY STRATEGY

- The Network's [Federal Election Ask](#) from April 2022 called for First Nations to play a central role in and to harness the opportunities of Australia's clean energy boom.
- In August 2022, Energy Ministers established a new [National Energy Transformation Partnership](#), a priority action of which was to develop a [First Nations Clean Energy Strategy](#).
- The Network's [submission in response](#) to the Strategy Consultation Paper provides a vision of the actions required and opportunities for an energy system that ensures First Nations participation and benefit in its design.



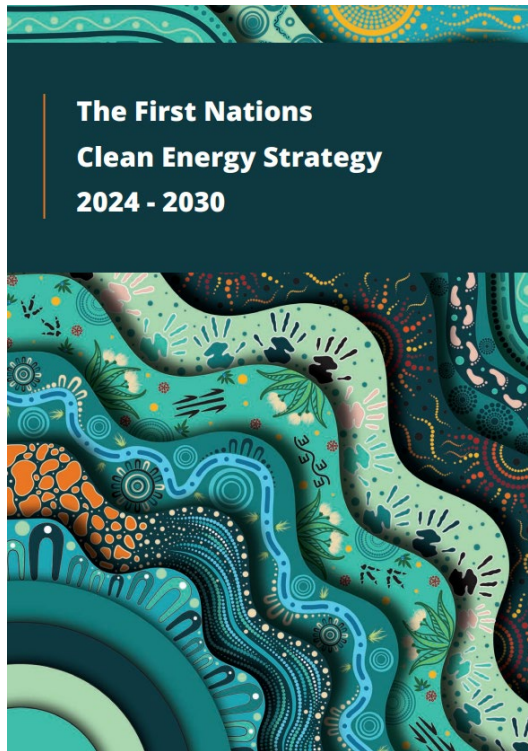
FIRST NATIONS CLEAN ENERGY STRATEGY

- All Australian energy ministers released the First Nations Clean Energy Strategy in December 2024.
- Followed by funding in MYEFO on 18 December 2024.

Vision: A sustainable clean energy future for all Australians, with Country and Culture at the heart

Goals:

- Power First Nations Communities with Clean Energy
- Enable Equitable Partnerships
- Achieve Economic Benefits with First Nations Peoples



CHANGING POLICY - THE CAPACITY INVESTMENT SCHEME



Reviewing the Federal Government's Capacity Investment Scheme - Market Brief Generation Tender 1 (May 2024) - Briefing Note

The Capacity Investment Scheme (CIS) is a key policy mechanism being deployed by the federal government to encourage new investment in wind, solar and battery storage through a competitive tender process every six months. On...



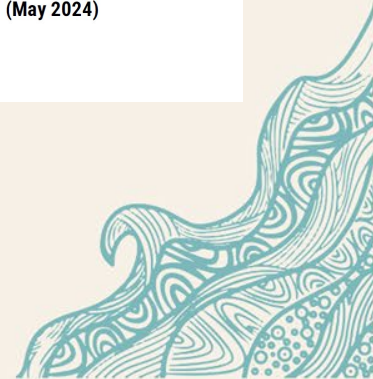
First Nations Clean Energy Network

Reviewing the Federal Government's Capacity Investment Scheme Market Brief Generation Tender 1 (May 2024)

Briefing Note

See:

- Submission - [Expanded Capacity Investment Scheme Design Paper](#)
- [Reviewing the Market Brief - Briefing Note](#)
- Updated [Capacity Investment Scheme Tender Requirements](#)





MINIMUM EQUITY REQUIREMENTS FOR FIRST NATION PEOPLE IN ENERGY PROCUREMENT PROGRAMS IS STANDARD


'Hard criteria' means the criteria is a compulsory contract eligibility requirement.

An * indicates soft criteria, which are viewed favourably but are not compulsory contract eligibility requirements

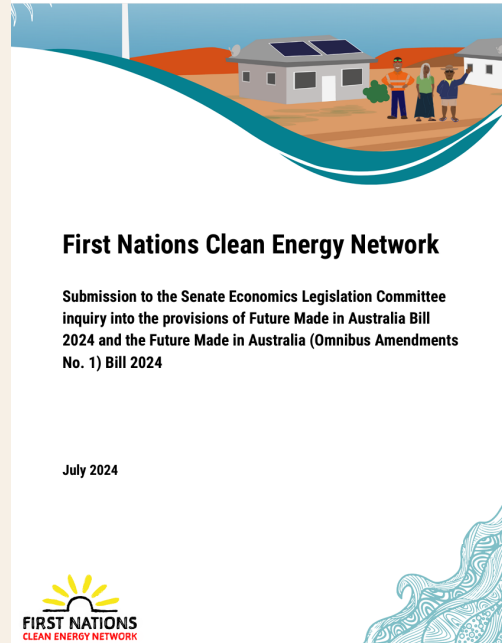
A – indicates that the criteria is not included in the design.

South Africa  REIPPP		
Criteria	Hard criteria	Details
% Black Equity ownership	✓	≥12%
Job creation for Black people	✓	30% of employees and 18% of skilled employees must be Black people
Revenue sharing	✓	1% of annual revenue to local development
% Preferential procurement	*	10% ED criteria weighting (soft criteria)
% Black people in Top Management	*	5% ED criteria weighting (soft criteria)

Ontario  Aboriginal Price Adder		
Criteria	Hard criteria	Details
% FN Equity ownership	✓	≥10%
FN job creation	-	Other policies target this
Revenue sharing	-	
% FN procurement	-	Other policies target this
% FN in Top Management	-	

BC Hydro  Call for Power (under consultation)		
Criteria	Hard criteria	Details
% FN Equity ownership	✓	≥25%
FN job creation	-	
Revenue sharing	-	
% FN procurement	-	
% FN in Top Management	-	

CHANGING POLICY - FUTURE MADE IN AUSTRALIA FRAMEWORK



Recommendations

- Recommendation 1:**
- in securing Australia's place in a shifting global economic and strategic landscape as the world transitions to clean energy, Australia must realise that investing in, incentivising and including First Nations consent, partnerships and participation in the energy transition and in industrial policy is an investment decision that will support Australia to remain globally competitive.
- Recommendation 2:**
- the Community Benefit Principles introduced by the Future Made in Australia Bill must also include the following point:
 - *ensuring First Nations communities and Traditional Owners can participate in and benefit from Future Made in Australia supports.*
- Recommendation 3:**
- given the broadened focus of Export Finance Australia on domestic transactions, amend, through the Future Made in Australia (Omnibus Amendments No. 1) Bill 2024, the manner in which Export Finance Australia performs its functions by including the following paragraph:
 - *encouraging and facilitating First Nations participation in and benefit from EFIC's national economy and net zero functions.*



DEMONSTRATION PROJECTS - COMMUNITY ENERGY PROJECTS

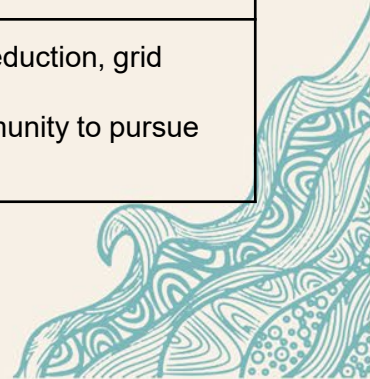


CASE STUDY: MARLINJA COMMUNITY MICROGRID



CASE STUDY: MARLINJA COMMUNITY MICROGRID

Location	Marlinja community, Newcastle Waters NT
Energy Challenges	<ul style="list-style-type: none">- <i>Energy insecurity</i>: PPM high energy costs (\$75-150/wk), frequent voluntary and involuntary disconnections (every ~4 days for 10+hrs), local water supply not resilient to outages, poor climate resilience, no access to rooftop solar or benefits from utility scale RE projects- <i>Flow-on impacts</i>: Food and medicine spoilage, economic and educational productivity decrease, climate related health impacts
Technical Solution	Grid connected, community owned, solar + BESS microgrid with grid forming capabilities. Microgrid revenue realised as PPM credits for direct household benefit. Commissioned July 2024.
Barriers	Rooftop solar barriers resulted in more expensive centralised solution, utilities without fit for purpose processes to assess and approve project, process risk undermines project commercials if no philanthropic support.
Benefits	<ul style="list-style-type: none">- <i>Energy security</i>: Households to expect <70% bill reduction, disconnection frequency reduction, grid forming capability in event of outage improves system reliability- <i>Energy productivity</i>: Export possibilities beyond community, efficiency upgrades, community to pursue energy productivity aspirations, reduction of flow-on impacts of energy insecurity





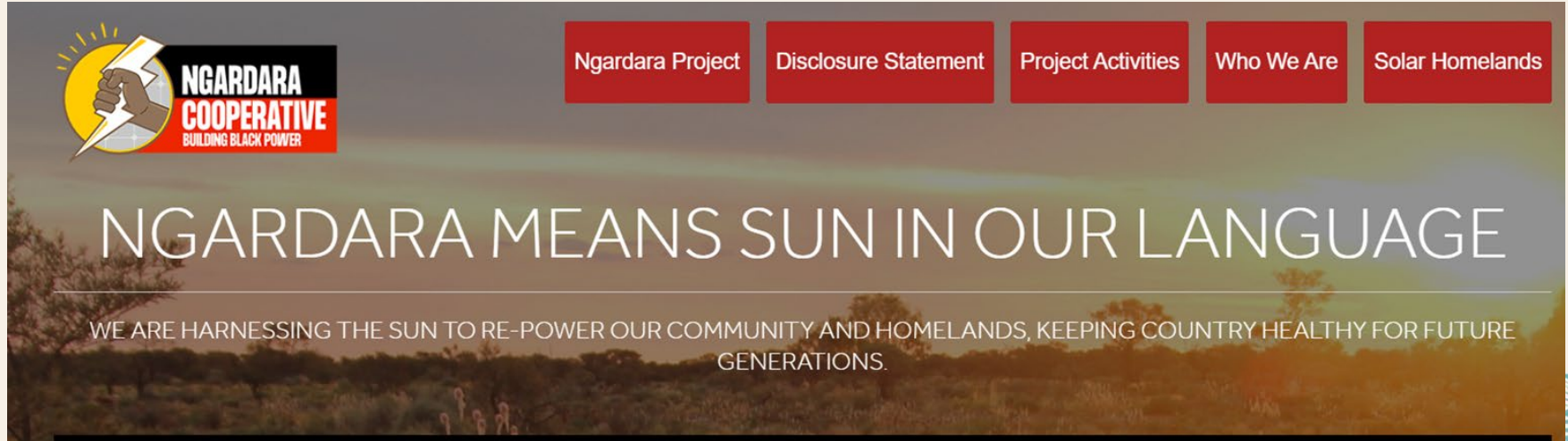
THE NGARDARA PROJECT:

FIRST NATIONS COMMUNITY ENERGY OWNERSHIP IN ACTION



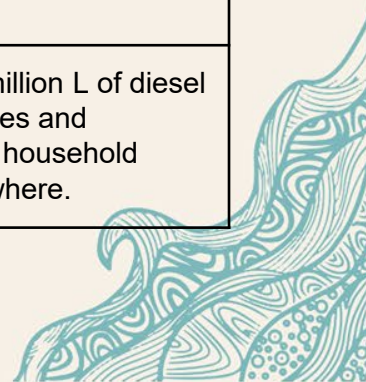
CASE STUDY- NGARDARA MICROGRID

- <https://www.ngardaraproject.org.au/>



CASE STUDY- NGARDARA MICROGRID

Location	Borrooloola Township, NT
Energy Challenges	<ul style="list-style-type: none">- <i>Energy insecurity:</i> PPM high energy costs (\$75-150/wk), frequent voluntary and involuntary disconnections (every ~4 days for 10+hrs), local water supply not resilient to outages, poor climate resilience, no access to rooftop solar or benefits from utility scale RE projects- <i>Flow-on impacts:</i> Food and medicine spoilage, economic and educational productivity decrease, climate related health impacts
Technical Solution	Grid-connected, community owned, solar + BESS microgrid. Utility scale microgrid designed to achieve 'diesel-off' hours daily. Microgrid revenue realised as PPM credits for direct household benefit. Designed according to community aspirations.
Governance	Community co-op formed 2023 takes majority ownership stake (51%+) in SPV, blended financing. All PPM households eligible for co-op membership.
Benefits	Households to expect 30+% bill reduction, grid forming capability in event of utility outage, 1million L of diesel avoided annually, utility O&M savings, CSO reduction, 70% REF reduction, network efficiencies and resilience, workforce and skills development baked in at design stage including supply chain, household efficiency upgrades, energy productivity aspirations, and model/learnings for replication elsewhere.



SOME OTHER RESOURCES FROM THE FIRST NATIONS CLEAN ENERGY NETWORK

Policy Opportunities and Issues

- [Jurisdictional policy briefings](#)
- [First Nations and the Clean Energy Transition: Emerging Issues in New Transmission Infrastructure](#)
- [Embedding First Nations outcomes in the government's auction process](#)
- [Summary of key legislation applying to offshore renewable development areas](#)
- Capacity Investment Scheme - [briefings](#) and [submissions](#)
- [Our policy page](#) - this also has information about other [First Nations / Territories Submissions](#)

Events and capacity building

- [PowerMakers](#)
- [Webinar launch of our new Community Energy Planning Toolkit](#)
- [2024 First Nations Clean Energy Symposium](#)
- Many more (e.g. webinars, etc.)!

Toolkits / initiatives

- [First Nations Clean Energy Jobs Pathways Initiative](#)
- [Best Practice Network Guides](#)
- [Finance and funding opportunities](#)
- [Research and information](#)
- [First Nations Clean Energy Network submissions](#)
- [Clean Energy Planning Toolkit](#)
- [First Nations Energy Projects](#) (project tracker)



GET IN TOUCH, FIND OUT MORE, JOIN AS A MEMBER

- Let us know how we can support you and your community (resources, training, support, information)
- Follow us on [LinkedIn](#) & [Facebook](#) & our [website](#)
- Contact info@firstnationscleanenergy.org.au
- [Sign up as a member or join as a supporter](#) (no cost, membership is only open to Aboriginal and/or Torres Strait Islander people and organisations) - we now have over 1200 First Nations members (individuals and organisations)



Industry and Working Group updates

- **First Nations Heritage Protection Alliance**

(Anu Nagar, NNTC)

- **RIAA Policy and Advocacy updates**

(Nayanisha Samarakoon, RIAA)

- **Dhawura Ngilan Business and Investor Initiative**

(Jess Rowe, RIAA)



What is the Future Acts Regime?

- The Native Title Act sets out procedures that must be taken when people, government, and companies want to do things on Country that affect native title
- The Act sets out an approvals pathway that needs to be followed - depending on the type of future act, native title holders (and registered claimants) have procedural rights, for instance, the right to comment or the right to negotiate.
- Native title holders do not have the right of veto, to say 'no'
- Alternatively, the parties can reach an Indigenous Land Use Agreement (ILUA), which is a voluntary agreement

Experience for native title holders

- Current regime places significant strain on the limited resources of PBCs
- Responding to notices requires time and resources to manage heritage risks, access legal, commercial expertise and engage native title holders
- Staggering number of future act notifications for some PBCs
- The regime does not empower TOs to provide their FPIC. Procedural rights often too weak to minimise impacts, protect significant sites



Timeline - Australian Law Reform Commission Future Acts Inquiry



June 2024

Attorney General instructs ALRC to review the future acts regime prompted by Parliamentary inquiry into the destruction of Juukan Gorge



Nov 2024

Issues Paper released



May 2025

Discussion paper to be released with reform ideas



July 2025

Submissions due on Discussion paper



8 Dec 2025

ALRC Final report

Native title compensation

The Commonwealth vs Yunupingu case handed down by the High Court on 12 March 2025 was about whether the Gumatj Clan in the Northern Territory is entitled to compensation from the Commonwealth for acts that affected their native title rights and interests.

Background

- The Commonwealth was responsible for making laws for the Northern Territory from 1911 until 1978.
- In the 1950s and 1960s, the Commonwealth granted mining leases to companies to mine bauxite on the Gove Peninsula.
- In 1963, Traditional Owners presented Yirkala bark petitions to the Australian Parliament in protest. Parliament established a Select Committee, which found they had not been consulted about the proposed mines, it recommended certain sacred sites be protected, but mining was allowed to continue.
- After the Native Title Act 1993 (Cth) passed, the Gumatj brought a case seeking recognition of their native title.
- They also sought compensation for acts of the Commonwealth, including granting mining leases without their consent.

What did the High Court find?

- **The High Court found the Gumatj Clan was eligible for compensation.** The High Court case did not determine their native title but dealt with a number of legal issues raised by the Commonwealth, referred the native title and compensation claims to proceed in the Federal Court.
- The case confirms native title is like other property rights - if it is taken away by the Commonwealth native title holders are entitled to compensation on just terms under section 51 (xxxix) of the Constitution.
- The case also confirms just terms compensation applies to the taking of property by the Commonwealth in the NT.

Application to States

- While State Governments are not bound by the 'just terms' principle in the Constitution they can be liable for native title compensation which is provided for in the Native Title Act.



Policy & Advocacy update

RIAA Policy Platform Australia 2025

9 policy priorities – specific initiatives for the Government

- 2 principles – overlaying all priorities to enhance the likelihood of success:

- 1) Coordinate efforts across Government to ensure the successful economic transition, including harnessing all available policy levers
- 2) Ensure policy developments acknowledge the impact on other sustainability-related issues

Government in caretaker mode



7 – Support economic self-determination for First Nations peoples and embrace Indigenous knowledge to drive sustainable investment outcomes

If done right, the global energy transition offers an opportunity to ensure all communities and workers thrive, while addressing long-standing disadvantage, including that faced by Australia's First peoples.

A significant proportion of renewable energy, critical minerals and biodiversity conservation and restoration projects are, and will be, located on First Nations peoples' lands. It is therefore critically important as capital flows to these sectors that Traditional Owners are treated as equity partners in the frameworks and policies. This will help:

- provide a historic opportunity to generate sustainable wealth for First Nations communities in regional and remote Australia;
- facilitate appropriate engagement between proponents and First Nations groups to speed up approvals for projects;
- increase the profitability of projects by having greater certainty over key factors such as timeline, ease of access, approvals; and
- ensure risks related to the destruction of Indigenous cultural heritage are avoided.

First Nations expertise in looking after Country can provide a significant advantage to the successful implementation of a just net zero transition, as well as support Australia to become a global sustainability leader.

National laws that ensure adequate protection of Indigenous cultural heritage, including Free, Prior and Informed Consent as defined by the United Nations, will help to ensure companies on the ground appropriately engage with First Nations communities. This in turn minimises operational, financial and reputational risks related to economic benefits and cultural heritage protections. The introduction and enforcement of strong baseline laws will provide investors with certainty, minimise risk and help to maintain the long-term value of assets.

Australia needs to –

- Legislate the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) principles, including a clear definition of Free Prior and Informed Consent (FPIC), to provide a level playing field for companies on the ground and hence investor certainty and lower risk
- Support models that encourage Traditional Owner partnerships in renewables investments
- Endorse and adopt the Dhawura Ngilan Business and Investor Guide to minimise risks related to the destruction of Indigenous cultural heritage
- Introduce uniform national law reform to support the protection and appropriate management of Indigenous cultural heritage protection

Did you know...

It is expected that the 350% increase in international demand for critical minerals before 2040 (International Energy Agency 2023), will require access to land covered by a Native Title claim or determination, lands which already host more than 60% of Australia's current resource projects (Productivity Commission 2020).

In Australia, First Nations peoples are consistently among the most affected by the impact of a warming planet, including through poor access to electricity (and higher risk of disconnections) in remote First Nations communities, struggling with the cost of energy bills and needing to obtain medical attention because of hot homes. Source: [2025 Heat in Homes Survey](#)

Want to learn more? Have a look at RIAA's –

- [Submission](#) – First Nations Clean Energy Strategy
- [First Nations Peoples' Rights Working Group](#)



[Dhawura Ngilan Business and Investor Guides](#)

Workstream and Subgroup updates

- **Future Directors Subgroup**
- **RAP Subgroup**
- **Directors Subgroup**
- **DNBII Information Sharing**



Subgroup volunteering form

Key Upcoming Dates

- **For Aotearoa New Zealand**

20 June: Matariki (The Māori New Year)

- **For Australia**

26 May: National Sorry Day

From 27 May to 3 June: National Reconciliation Week

- 27 May: Anniversary of the 1967 Referendum
- 28 May: Anniversary of the Sydney Harbour Bridge Walk for Reconciliation
- 29 May: Anniversary of the Torres Strait Islander Flag
- 3 June: Mabo Day

RIAA Conference Australia 2025

28 & 29 May • ICC Sydney



Scan the QR code to register



Working Group Member Portal

All Working Group meeting minutes and recordings are uploaded to the RIAA Member Portal. Access the portal using your Glue Up credentials here:



Upcoming Working Group Meetings

Human Rights Working Group #2,
Wednesday 5 June 12pm – 1.30pm AEST / 2pm – 3.30pm NZST

Nature Working Group #2,
Thursday 12 June 12pm – 1pm AEST / 2pm – 3pm NZST

Aotearoa Collaborative Working Group #2,
Thursday 19 June 2pm – 3:30pm NZST/12pm to 1:30pm AEST
Hybrid event, Auckland & online

First Nations Peoples' Rights Working Group #3,
Thursday 31 July - 12pm - 1.30pm AEST / 2pm – 3.30pm NZST

View full list of [RIAA's events here](#).



Responsible Investment
Association Australasia

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